(22)

05/12/07

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition (S) No. 7183 of 2007

PETITIONER : Radhe Shyam Sahu aged 47 years S/o Bhulau Ram Sahu, Assistant Teacher, Govt. Primary School, Khapri, Dhamtari, District Dhamtari (CG).

VERSUS

RESPONDENTS : 1. The State Government of Chhattisgarh, Through the Secretary, Education Department DKS Bhawan, Raipur (CG).
2. The District Education Officer, Dhamtari (CG).

(WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(SB: Hon'ble Mr. Satish K. Agnihotri, J.)

Present : Shri Ajay Shrivastava, Advocate for the petitioner.
Shri Satish Gupta, Deputy Government Advocate for the State.

ORAL ORDER
(Passed on this 04th of December, 2007)

1. Learned counsel appearing fort he petitioner as well as for the State/respondents jointly submit that the fact and question of law involved in the present writ petition are the same to that of in Yashwant Kumar Bhardwaj Vs. Municipal Corporation, Durg and another {2006(II) MPJR-CG 96}, which has been disposed of vide order dated 03.04.2006. Learned counsel appearing for the State/respondents does not controvert the said submission.
2. In subsequent cases, i.e., Writ Petition (S) No. 4130 of 2005 *(Gopesh Kumar Verma Vs. The State Govt. of Chhattisgarh and another)* and other connected matters, decided by this Court on 15.12.2006, pursuant to the memo dated 28.01.1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute i.e. B.T.I. has been changed and renamed as Diploma in Education i.e. D.Ed. Accordingly, the D.Ed Certificate holders are also covered by the decision in Writ Petition (S) No. 4130 of 2005 *(Gopesh Kumar Verma Vs. The State Govt. of Chhattisgarh and another) (Supra).*
3. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bhardwaj Vs. Municipal Corporation, Durg and

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another (Supra), subject to verification of the fact as to whether the petitioner has acquired D.Ed Examination Certificate on their own expenses as per the circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not. No order asto costs.

Sd/-
Satish K. Agnihotri
Judge

Sahu